

ORDINANCE NO. 13-21

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A PYLON LED SIGN ON PROPERTY ZONED C-1 (RESTRICTED RETAIL COMMERCIAL DISTRICT) OUTSIDE THE GEOGRAPHIC AREA WHERE LED SIGNS ARE PERMITTED, A DISTANCE OF LESS THAN 300 FEET FROM PROPERTY ZONED RESIDENTIAL, WHERE A MINIMUM 300 FEET IS REQUIRED; CONTRA TO HIALEAH CODE §§ 74-149 (b) AND 74-149 (e). **PROPERTY LOCATED AT 4800 PALM AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of February 13, 2013, recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow a pylon LED sign on property zoned C-1 (Restricted Retail Commercial District) outside the geographic area where LED signs are allowed, a distance of less than 300 feet from property zoned Residential, where a minimum of 300 feet is required, contra to Hialeah Code §§ 74-149 (b) and 74-149 (e), which provide in pertinent part: "*Geographic area*. The LED regulations are limited to a geographic area comprising of three distinct areas: (1) properties fronting West 49 Street, from the west side of West 4 Avenue to West 20 Avenue; (2) properties fronting West 16 Avenue, from Okeechobee Road to

West 49 Street; and (3) properties fronting Okeechobee Road, on the northern side, from West 16 Avenue to West 20 Avenue.” and “*Distance from residential-zoned properties.* An LED sign shall be placed at a distance no less than a 300-foot radius from the property lines of a residential-zoned property.”, respectively. Property located at 4800 Palm Avenue, Hialeah, Miami-Dade County, Florida, zoned C-1 (Restricted Retail Commercial District), and legally described as follows:

TRACTS 3 AND 6, LESS THE NORTH ½ OF THE EAST ½ OF TRACT 3, LESS THE EAST 133.64 FEET OF THE NORTH 170.68 FEET OF THE WEST ½ OF TRACT 3, OF FLORIDA RANCH AND DAIRY SUBDIVISION, IN SECTION 6, TOWNSHIP 53 SOUTH, RANGE 41 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, AT PAGE 113, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS RIGHT-OF-WAY.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

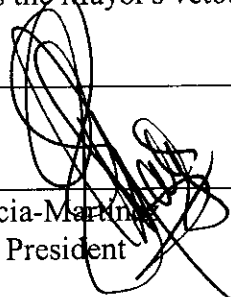
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 12 day of March, 2013.


THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Isis Garcia-Martinez
Council President

Attest:

Approved on this 14 day of March, 2013.


Marielys Fajó, Acting City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".